

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/661327
		Filing Date	September 12, 2003
		First Named Inventor	Bernhard W. Kuchel
		Art Unit	3673
		Examiner Name	R. G. Santos
Total Number of Pages in This Submission	14	Attorney Docket Number	SMCY-P01-105

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):  Notice of Recordation (1 pg) Fee Transmittal (1 pg)
<b>Remarks</b>  Request for Correction/Amendment of Inventorship (2 pgs) Statement Under 37 CFR 1.48(a) by DeFranks (1 pg) Consent of Assignee (1 pg) Assignment (3 pgs) Declaration (4 pgs)		

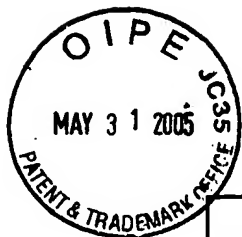
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	ROPES & GRAY LLP		
Signature			
Printed name	Edward J. Kelly		
Date	May 26, 2005	Reg. No.	38,936

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: 5-26-05

Signature: Denise Camerato (Denise Camerato)



PTO/SB/17 (12-04v2)  
Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
		Application Number	10/661327
		Filing Date	September 12, 2003
		First Named Inventor	Bernhard W. Kuchel
		Examiner Name	R. G. Santos
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Art Unit	3673	
<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b> 170.00	Attorney Docket No.	SMCY-P01-105

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 18-1945 Deposit Account Name: Ropes & Gray LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**          **Extra Claims**          **Fee (\$)**          **Fee Paid (\$)**         

         - 20 =          x          =         

**Multiple Dependent Claims**

**Fee (\$)**          **Fee Paid (\$)**         

**Indep. Claims**          **Extra Claims**          **Fee (\$)**          **Fee Paid (\$)**         

         - 6 =          x          =         

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
<u>        </u> - 100 = <u>        </u> / 50 <u>        </u> (round up to a whole number) x <u>        </u> = <u>        </u>				

**4. OTHER FEE(S)**

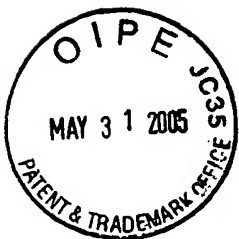
	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1051 Surcharge-Late oath or declaration	130.00
8021 Recording each patent assignment, agreement or ...	40.00

<b>SUBMITTED BY</b>	
Signature <u>[Signature]</u>	Registration No. (Attorney/Agent) <u>38,936</u>
Name (Print/Type) <u>Edward J. Kelly</u>	Telephone <u>(617) 951-7532</u>
	Date <u>May 26, 2005</u>

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 5-26-05 Signature: Denise Camerato (Denise Camerato)

06/01/2005 JBA/INM 00000058 101945 10661327  
01 FC:1051 130.00 DA



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 5-26-05 Signature: Denise Camacho

FW

Docket No.: SMCY-P01-105  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Bernhard W. Kuchel et al

Confirmation No.: 9357

Application No.: 10/661327

Group Art Unit: 3673

Filed: September 12, 2003

Examiner: R. G. Santos

For: ONE-SIDED MATTRESS

**REQUEST FOR CORRECTION/AMENDMENT OF INVENTORSHIP**  
**UNDER 37 C.F.R. §1.48(A)**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests that the inventorship be corrected and the above-captioned application, including page 1 of the specification, be amended to add Michael DeFranks. With such amendment, Bernhard W. Kuchel and Michael DeFranks are the joint inventors of the subject application.

Enclosed herewith are the following documents: Statement under 37 C.F.R. §1.48(a)(2) by Michael DeFranks, Consent of Assignee, Assignment, and an executed Declaration by the actual inventor as required by §1.63.

As set forth in C.F.R. 1.17(i) the fee of 130.00 is authorized to be charged to deposit account 18-1945. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in

06/01/2005 JBALINAN 00000058 10661327  
01 FC:1451 130.00 DA

06/01/2005 JBALINAN 00000059 181945 10661327  
01 FC:1464 130.00 DA

this application by this firm) to our Deposit Account No. 18-1945, under Order No. SMCY-P01-105.

Dated: May 26, 2005

Respectfully submitted,

By 

Edward J. Kelly

Registration No.: 38,936

ROPES & GRAY LLP

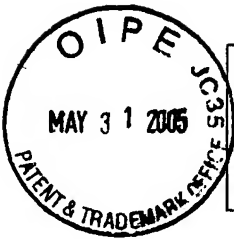
One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 5-26-05

Signature: Denise Camarato  
(Denise Camarato)

Docket No.: SMCY-P01-105  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Bernhard W. Kuchel et al

Confirmation No.: 9357

Application No.: 10/661327

Group Art Unit: 3673

Filed: September 12, 2003

Examiner: R. G. Santos

For: ONE-SIDED MATTRESS

**STATEMENT UNDER 37 C.F.R. §1.48(A)(2) BY MICHAEL DEFRANKS**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Michael DeFranks, hereby state that:

1. I was inadvertently omitted as an inventor in the above-identified application, hereinafter called the "referenced application".
2. The referenced application was filed as an application of Bernhard W. Kuchel.
3. The inadvertent omission of my name as an inventor occurred through error without any deceptive intent on my part.

The undersigned declares further that all statements made herein of his own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 3/7/2005

Michael DeFranks  
Michael DeFranks



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: **MS Issue Fee** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.  
Dated: 5-26-05 Signature: [Signature]  
(Denise Camarito)

SMCY- P01-105  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Bernhard W. Kuchel et al.

Confirmation No.: 9357

Application No.: 10/661327

Group Art Unit: 3673

Filed: September 12, 2003

Examiner: R.G. Santos

For: ONE-SIDED MATTRESS

**CONSENT OF ASSIGNEE**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Dreamwell, Ltd., a limited liability corporation, states that it is the Assignee of the entire right, title, and interest in the above-captioned patent application by virtue of an assignment from Bernhard W. Kuchel (recorded in the U. S. Patent and Trademark Office at Reel 014385, Frame 0044) and an assignment from Michael DeFranks to Dreamwell, Ltd., a copy of which is attached. Assignee, Dreamwell, Ltd., hereby consents to the enclosed Petition to Correct Inventorship under 37 C.F.R. §1.48(a), to add Michael DeFranks as co-inventor(s) in the present application.

Dated: May 23, 2005

Respectfully submitted,

Dreamwell, Ltd.

By: [Signature]

Name: William A. Creekmuir  
Title: President



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ONE-SIDED MATTRESS

the specification of which was filed on September 12, 2003 as Application No. 10/661327 and amended on December 13, 2004 and on December 17, 2005 by the telephonic interview on 3/03/05.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Ropes & Gray LLP**, One International Place, Boston, Massachusetts 02110-2624, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

**CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☒ no such U.S. provisional applications have been filed.

☐ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
		___ Yes No ___
		___ Yes No ___
		___ Yes No ___

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:



☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 28120

all of **Ropes & Gray LLP**, One International Place, Boston, Massachusetts 02110-2624, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from SIMMONS COMPANY as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

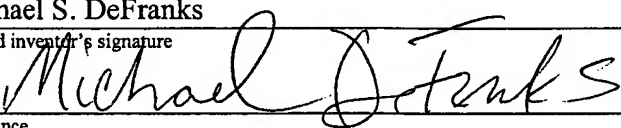
Please mail all correspondence to Edward J. Kelly, whose address is:

**Ropes & Gray LLP**  
One International Place  
Boston, Massachusetts 02110-2624

Please direct telephone calls to: Edward J. Kelly at (617) 951-7532.

Please direct facsimiles to: (202) 626-3961

Full name of sole or first inventor <b>Bernhard W. Kuchel</b>	
Sole or first inventor's signature	Date
Residence <b>Stone Mountain, Georgia</b>	
Citizenship <b>US</b>	
Mailing Address  <b>2470 Bermuda Road Stone Mountain, Georgia 30087</b>	

Full name of second inventor, if any <b>Michael S. DeFranks</b>	
Second inventor's signature 	Date <b>3/7/2005</b>
Residence <b>Decatur, Georgia</b>	
Citizenship <b>US</b>	
Mailing Address  <b>1304 Amanda Circle Decatur, Georgia 30033-1903</b>	

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	